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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,802	04/13/2001	Lee A. Sweetapple	12492.0027	1943

7590 12/08/2003

Step toe & Johnson LLP  
Attn.: Stuart T.F. Huang  
1330 Connecticut Avenue, NW  
Washington, DC 20036

EXAMINER
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CHIN, GARY

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/833,802

**Applicant(s)**

SWEETAPPLE, LEE A.

**Examiner**

Gary Chin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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## DETAILED ACTION

### *Claim Objections*

1. Claim 9 is objected to because of the following informalities:

As per claim 9, the terms "GPS coordinates" on line 5 and "a range of error" on line 6 should be "said GPS coordinates" and "said user-defined range of error" respectively in order to avoid the antecedent basis problem. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huston et al (patent no. 5751244) in view of the PCT publication no. WO89/05460.

As per claims 1-2 and 9, figures 4, 6 and col. 5 of the Huston et al reference clearly disclose the claimed method and system for detecting gps errors caused by the local interferences in the gps signals including a gps receiver (item 82) capable of determining its gps coordinates, a memory (item 92) capable of storing an initial location of the gps receiver or an initial position of a marker such as a site survey and a processor (item 86) being programmed to determine the error in the gps signals by comparing the calculated gps coordinates with the initial gps location. The difference between the claimed invention and that disclosed in the Huston et al reference is that the latter does not disclose the feature of issuing a warning if the calculated gps position differs from the initial gps position by more than a predetermined amount or a user-defined range

of error. However, such missing feature in Huston et al is clearly taught in the abstract of the aforementioned PCT publication. It would have been obvious for a person having ordinary skill in the art to incorporate such well known feature as taught in the PCT publication into the Huston et al system so that a more informative system can be provided to the user in the event that any gps error is outside the tolerant range.

As per claim 10, the additionally claimed monitoring unit for displaying the warning is clearly taught in figure 1, item 11 of the PCT publication.

As per claim 3, it is noted that the initial gps position in Huston et al is a known position of a marker and not a calculated initial position by using the sampled gps signals as claimed. However, it would have been readily apparent for one skilled in the art that in the event that the initial gps position of the marker is unknown, such initial gps position can be calculated in the same manner in which the present gps position is being calculated by using the sampled gps signals as taught in the Huston et al teaching.

As per claims 4-7, the additionally claimed features of employing the average of the calculated gps positions, disregarding the aberrant ones of the gps positions and issuing a warning if there are insufficient gps signals to perform the calculation are well known practices in the art in order to provide a more accurate gps position calculation.

4. Claims 8 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The additional reference(s) is/are cited to show the related system(s). Applicant(s) should consider them carefully when responding to the current office action.

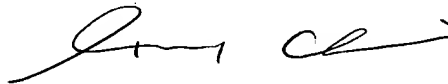
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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GARY CHIN  
PRIMARY EXAMINER